The POSITION of WOMEN in ISLAM

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INTRODUCTION

The position of women in society has often been the subject of much debate. Islam's position regarding this has usually been presented to the Western reader with little objectivity. This paper is intended to provide a brief and accurate explanation of the Islamic stance, drawing upon the authentic sources of the Qur'an (God's final revelation) and Hadeeth (sayings, actions and approvals of Prophet Muhammad, (P).

The paper begins with a look at the position of women in pre-Islamic societies. It then focuses on some major questions: what does Islam teach regarding the position of women in society? How does this stance differ from,or resemble, the position of women in the era in which Islam was revealed? Finally, how does this compare with the rights gained by women in recent decades?

II
HISTORICAL PERSPECTIVES

In order to assess if Islam made any notable contribution to the restoration of woman's rights, it may be helpful to briefly review how women were treated in former faiths and cultures, especially those which preceded Islam. (Pre-610 C.E.).1

WOMEN IN ANCIENT CIVILISATION

Describing the status of Indian women, the Encyclopaedia Brittanica states: "In India, subjection was a cardinal principle. Day and night women must be held by their protectors in a state of dependence says Manu. The rule of inhertance was agnatic, that is, descent traced through males to the exclusion of females" 2

And according to the Hindu scripture, a good wife is described as "... a woman whose mind, body and speech are kept in subjection; acquires high renown in this world and, in the next, retains the same abode as her husband."3

In Athens, women were not better off than Indian or Roman women:
"Athenian women were always minors, subject to some male - to their father, to their brother or to some of their male kin."4 Also, a Greek woman had no right to consent to marriage because:

"...she was obliged to submit to the wishes of her parents, and receive from them her husband and her lord, even though he were a stranger to her." 5

Similarly, a historian commented that a Roman wife was: "... a babe, a minor, a ward, a person incapable of doing or acting anything according to her own individual taste, a person continually under the tutelage and guardianship of her husband." 6

The Encyclopaedia Brittanica, sums up the legal status of women under Roman civilisation7: "In Roman Law a woman was, even in historic times, completely dependant. If married, she and her property passed into the power of her husband...the wife was the purc hased property of her husband, and like a slave, acquired for his benefit. A woman could not exercise any civil or public office.... could not be a witness, surety, tutor, or curator, she could not adopt or be adopted, or make a will or contract."

Turning to the status of Scandinavian women, we discover that they were: "...under perpetual tutelage, whether married or unmarried. As late as the Code of Christian V, at the end of the 17th Century, it was enacted that if a woman married without the consent of her tutor he might have, if he wished, administration and usurp of her goods during her life." 8

According to English Common Law, a woman's rights were equally suppressed: "...all real property which a wife held at the time of a marriage became a possession of her husband, He was entitled to the rent from the land and to any profit which might be made from operating the estate during the joint life of the spouses. As time passed, the English courts devised means to forbid a husband's transferring real property without the consent of his wife, but he still retained the right to manage it and to receive the money which it produced. As to the wife's personal property, the husband's power was complete. He had the right to spend it as he saw fit." 9

Only by the late 19th Century, the situation started to improve: "By a series of acts starting with the Married women's property Act in 1870, amended in 1882 and 1887, married women achieved the right to own property and to enter contracts on a par with spinsters, widows, and divorcees." 10 Also by the late 19th Century, an authority in ancient law, Sir Henry Maine, wrote: "No society which preserves any tincture of Christian institutions is likely to restore married women the personal liberty conferred on them by the Middle Roman Law." 11

Before turning to the Qur'anic teachings about the position of women, a few Bible teachings may further shed light on the subject and thus provide a better basis for an impartial evaluation.

According to the Mosaic Law, the wife was 'betrothed.' Explaining this concept, the Encyclopaedia Biblica records: "To betroth a wife to oneself meant simply to acquire possession of her by payment of the purchase money; the betrothed is a girl for whom the purchase money has been paid." From the legal point of view, the consent of the girl was not necessary for the validation of the marriage: "The girl's consent is unnecessary and the need for it is nowhere suggested in the Law" 12

Concerning the right of divorce, the Encyclopaedia Biblica states: “The woman being man’s property, his right to divorce her follows as a matter of course.” l3 The right to divorce was therefore held exclusively by the man: “In the Mosaic Law, divorce was a privilege of the husband only...” l4

The position of the Church, until recent centuries, seems to have been influenced by both the Mosaic Law and by the stream of thought that was dominant at the contemporary time. David and Vera Mace, in their book, Marriage East and West, detail: 15

“Let no one suppose, either, that our Christian heritage is free of such slighting judgements. It would be hard to find anywhere a collection of more degrading references to the female sex than the early Church Fathers provide. Lecky said that ‘Woman was represented as the door of hell, as the mother of all human ills. She should be ashamed at the very thought that she is a woman. She should live in continual penance on account of the curses she has brought upon the world... She should be especially ashamed of her beauty, for it is the most potent instrument of the devil.’ One of the most scathing of these attacks on woman is that of Tertullian: “Do you know that you are each an Eve? The sentence of God on this sex of yours lives in this age; the guilt must of necessity live too. You are the devil’s gateway; you are the unsealer of that forbidden tree; you are the first deserters of the divine law; you are she who persuades him whom the devil was not valiant enough to attack. You destroyed so easily God’s image - man...’ Not only did the church affirm the inferior status of woman, it deprived her of legal rights she had previously enjoyed.”

III
WOMAN IN ISLAM

In the midst of the darkness that engulfed the pre-Islamic world, the Divine revelation echoed in the vast deserts of Arabia with a sublime and gracious message for all humanity:

“O Mankind, keep your duty to your Lord who created you from a single soul and from it created its mate [of same kind] and from them twain has spreads multitude of men and women” (Qur’an 4:1)16

A scholar, pondering over this verse, explained: “It is believed that there is no text, old or new, that deals with the humanity of the woman from all aspects with such amazing brevity, eloquence, depth and originality as this divine decree.” 17

Stressing this noble and natural conception, Allah (-the name for the One and Only True God in the Semite tongue) states:

"He [God] It is Who did create you from a single soul and from it did create his mate, that he might dwell with her [in love] (Qur'an 7:189); and

"The creator of the heavens and the ewth: He has made for you pairs from among yourselves.... (Qur'an 42:11); and

"... Allah has given you mates of your own nature, and has given you from your mates, children and grandchildren, and has made provision of good things for you. Is it then in vanity that they believe and in the Grace of God that they disbelieve?" (Qur'an 16:72)

Let us delve a little deeper into the last Book of God to see what it reveals concerning women's position, particularly the spiritual, social, economic and political aspects.

1
THE SPIRITUAL ASPECT

The Qur'an provides beautiful and unmistakable proof that a woman is completely equal to a man in the sight of God. Allah says:

"For Muslim men and women, for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, for men and women who engage in Allah's praise, for them has Allah prepared forgiveness and a great reward." (Qur'an 33:35)

Allah also says:

"....So their Lord accepted their prayers, (saying]:1 will not suffer to be lost the work of any of you whether male or female. You proceed one from another...." (Qur'an 3:195)

According to the Qur'an, the woman is not blamed for Adam's (P) first mistake. Together, the two of them were disobedient to God, but both repented, and both were forgiven (Qur'an 2:36, 7:20-24). Actually, one passage (Qur'an 20:121) places the blame specifically on Adam (P) and not his wife, demonstrating that Islam does not believe that the woman's nature is impure in any way.

Concerning her religious obligations like daily prayers, fasting, poor-due, and pilgrimage, woman's responsibilities are no different from man's. Rather, woman has certain advantages and privileges over man. For instance, the woman is exempted from her daily prayers and fasting during her menstruation. She is also excused from fasting while she is pregnant and additionally, for a period up to forty days after childbirth. Also, if the mother is

nursing her baby and there is any threat to her health or her baby's, then she is relieved of her regular duties until her health permits.

Islam permits women to attend the place of worship but they are given the privilege to decide whether to offer prayers at the Mosque or remain in the comfort of their homes for worship, especially in reference to the Friday Congregational prayers (Jum'ah). This clearly reflects Islam's compassion and consideration for the woman, aware that she may be engaged in nursing her child, or exercising some other duty that may render it difficult to attend the Mosque. Further, Islam fully accommodates a woman's psychological make-up and takes into consideration her physiological changes, thereby co-ordinating her responsibilities to complement her nature.

2
THE SOCIAL ASPECT

As a child and an adolescent

Despte the customary pre-Islamic acceptance of female infanticide among some Arab tribes, the Qur'an forbade this custom, and considers it an abominable crime. Allah says:

"And when the female infant buried alive is questioned, for what crime she was killed" (Qur'an 81:8-9).

In condemning the attitudes of such parents who reject their female children, Allah says:

"When news is brought to one of them, of [the birth of] a female [child], his face darkens and he is filled with inward grief! With shame does he hide himself from his people because of the bad news he has had! Shall he retain her on [sufferance] and contempt, or bury her in the dust? Ah! What an evil choice they decide on" (Qur'an 16:58-59)

Every child's life is considered sacred in Islam but Allah especially orders the kind and just treatment of daughters. Listen to the jewelled words of the last Prophet Muhammad (P), about the treatment of daughters and women:

"Whoever has a daughter and he does not bury her alive, does not insult her, and does not favour his son over her, God will enter him into paradise." (lbn Hanbal, No. 1957)

And also: "Whoever supports two daughters till they mature, he and I will come on the Day of Judgement like this (and he pointed with his two fingers held together)."

With regards to seeking an education, a woman has the same rights to pursue knowledge as a man. Prophet Muhammad (P), said:

"Seeking knowledge is compulsory for every Muslim." (Al Bayhaqi). (The term Muslim is used here in the generic sense, including male and female).

As a Wife

The Our'an indicates that marriage is an equal partnership involving the man and the woman. Besides perpetuating human life, marriage is stressed for our emotional well-being, to provide us with a loving and stable relationship and to foster mental and spiritual harmony between the sexes. The beautiful components of a successful marriage are described in the Qur'an. Allah says:

"And among His signs is this: that He created mates for you from yourselves that you may find rest, peace of mind in them, and He ordained between you love and mercy. Lo, herein indeed are signs for people who reflect." (Our'an 30:21)

Islam highlights a woman's distinct personality and, upon entering marriage, she is entitled to retain her maiden name; this is symbolic of her unique identity. Women also have the right to chose their marriage partner and cannot marry without her free consent. Ibn Abbas reported that a girl came to the Messenger of Allah, (P), and she reported that her father had forced her to marry without her consent. The Messenger of Allah, (P), gave her the legitimate choice of either accepting the marriage or annulling it... (Ibn Hanbal No. 2469). it is recorded that the girl said:

"Actually I accept this marriage but I wanted to let women know that parents have no right (to force a husband on them)." (lbn Majah, No, 1873).

A wife is generously taken care of, in Islam. Together with all the required provisions for her welfare and protection at the time of marriage, Islam additionally gives the woman the right to a Mahr (a marriage gift). This is a gift from the husband symbolising his love and affection (and included as standard in the nuptial contract). This ownership of wealth does not transfer to the wife's in-laws, father or husband but is entirely at the disposal of the woman.

The rules for married life in Islam are simple and in harmony with the natural dispositions of both the sexes. There is no competition but compatibility and complimentarity between the husband and wife, each taking the other partners concerns and sentiments into account and both recognising the rights of the other:

"if they [husband and wife] desire to wean the child by mutual consent and [after] consultation, there is no blame on them...." (Qur'an 2:233). And

".. they [women] have rights similar to those [of men] over them and men have a degree over them." (Qur'an 2:228)

The latter verse is oft-repeated but often misunderstood also! The degree mentioned, refers exclusively to mailers pertaining to economic maintenance and protection for the wife. The natural difference between the sexes is acknowledged in Islam and the physically stronger sex is given a greater degree or responsibility concerning economic maintenance and protection, and overall leadership of the family. But certainly, this responsibility does not imply superiority over the woman - this would go completely against the spirit of justice and equality in Islam. Allah explains:

"Men are the protectors and maintainers of women because Allah has given the one more strength than the other and because they support them from their means..." (Qur'an 4:34)

Over and above her basic rights as a wife comes the right which is emphasised by the Qur'an and strongly recommended by the Prophet (P), that of kind treatment of women and the good care of them. Allah says:

"... But consort with them in kindness, for if you hate them it may happen that you hate a thing wherein Allah has placed much good." (Qur'an 4:19)

And the Prophet (P) said: "The best of you is the best to his family and I am the best among you to my family."

He also said "The most perfect believers are the best in conduct and the best of you are those who are best to their wives." (lbn Hanbal, No,7396)

He further said (P) : "Behold, some women came to Muhammad's wives complaining against their husbands (because they beat them) - those (husbands) are not the best of you."

Divorce

Not only is the woman's right to decide her marriage partner, recognised, but also the right to terminate an unsuccessful marriage is granted to her. However, to prevent irrational decisions taking place in the midst of a trauma that may be developing, and, for the sake of the family's stability - especially where children are involved, Islam enjoins that both parties observe a waiting period (roughly three months) before a divorce is finalised. This enables both husband and wife to cool down, assess the situation rationally and then be in a better position to make the right decision.

When divorce is unavoidable, Allah instructs the husband to depart from his wife peacefully with no ill-will or malice:

“When you divorce women, and they reach their prescribed term, then retain them in kindness and retain them not for injury so that you transgress [the limits]. (Our’an 2:231). (See also Our’an 2:228-232)

As a Mother

In Islam, kindness and obedience to parents is paramount and is enjoined after the worship of Allah:

“Your Lord has decreed that you worship none save Him, and that you be kind to your parents....” (Qur’an 17:23)

Allah also says:

“And We have enjoined upon man to be good to his parents His mother bears him in weakness upon weakness...” (Qur’an 31:14) (See also 46:15 and 29:8)

When the woman becomes a mother in Islam, her seat of honour and dignity becomes extra special:

“Paradise lies at the feet of your mothers” said the Prophet (P). (In Al’Nisa’i, Ibn Majah, Ahmad).

It is also reported that a man came to Prophet Muhammad (P), asking: “O Messenger of God, who among the people is the most worthy of my good company?” The Prophet (P) replied, “Your mother.” The man then asked who came next and the Prophet (P) said again “Your mother”. The man yet again asked who came after, and the Prophet (P) yet again replied, “Your mother”. The man asked “Then who else?” Only then did the Prophet (P) say, “Your father”. (Bukhari & Muslim).

Further, in Islam, the good treatment of women is a sure reflection of a virtuous character:

“It is the generous (in character) who is good to women, and it is the wicked who insults them.” said the last Prophet (P).

3
THE ECONOMIC ASPECT

The economic right of a woman was denied before Islam and continued to be denied in secular cultures after it, only being awarded to women as late as this century!.’18 However, over 14 centuries ago, Islam gave the woman the right to personal ownership of property and

wealth. According to Islam, the woman's right to her money, real estate or other property is acknowledged and this right does not change when she marries. Furthermore, the woman has the right to buy, sell, mortgage or lease any portion of her property, independently.

If a woman is married and her husband is niggardly, the wife has the right to take of her husband's property without his consent, to satisfy her own and her family's reasonable needs. Also, if a woman was comfortably maintained as a daughter, then as a wife, she is entitled to the same economic standard of living if her husband can afford it.

Employment

Islam gives the woman the same work rights as men, so long as her important role as a mother and a wife is not neglected. The sacred role of a wife and mother is paramount and indispensable to society. Without her, the future generation would lack the healthy moral conscience that is needed for the success and stability of any individual and community. Professionalism, hard work, and loving commitment are the natural skills that a woman as a mother, imparts. However, Muslim women are free to pursue employment if they are able to, and with the agreement of their husbands if married. History is witness to Muslim women's contribution to civilisation in various professions such as teaching, medicine and other fields.

Inheritance

Islam gives the woman the right of inheritance whereas in some cultures, women were considered themselves objects to be inherited! The woman is allotted a share of inheritance and this is hers to retain and manage - no one can lay any claim to it, including her father or her husband. Allah says:

"Unto men [of the family] belongs a share of that which parents and near kindred leave, and unto women a share of that which parents and near kindred leave, whether it be a little or much - a determined share." (Ouran 4:7)

Generally, (but not always), her share is one half the man's share. This variation in inheritance is consistent with the variations in the financial responsibilities facing men and women. As the man is fully responsible for the maintenance of his wife, his children, even in some cases, his needy relatives and neither is this responsibility waived nor reduced because of his wife's wealth, a man is justly allotted a larger share. The woman, by divine right, is completely free from all financial responsibilities and is maintained by her father or brother or husband as the case may be.'19

4
THE POLITICAL ASPECT

A objective study of Islamic history will uncover evidence of woman's political rights in Islam. Women have always had equal rights as men, of election, nomination to political office, and rights to participate in all public affairs. In both the Qur'an and throughout Islamic history, we find examples of women actively participating in serious debates - even with the Prophet (P) himself (see Qur'an 58:1-4 and 60:10-12). During the Caliphate of Omar Ibn al-Khattab, a woman proved to be correct in an argument to which the leader, with humility, declared before an audience: "The woman is right and Omar is wrong." This was of course, to the advantage of the woman.

IV
CONCLUSION

Our brief glance here at women's rights in Islam, uncovers the respectability, dignity, purity and favourability that are credited to women, under the guidance of Allah the All-Wise, the All-Knowing. Far from struggling in aggressive campaigns for mere acknowledgement of her existence, the woman in Islam is effortlessly awarded liberties and privileges from her Lord. The carpet of ease and dignity is rolled out under the womans feet in Islam and she is entrusted with important tasks that beautifully adorn her nature.

The woman is her own "manageress" in Islam; in discharging her responsibilities, she fully enjoys the fringe benefits that her position offers while her independent decisions and duties are accountable to Allah.

Indeed, throughout history, the integrity, chastity and maternal role of Muslim women has attracted admiration from even the most impartial observers. For it is only Islam that covers the woman with the robe of modesty and crowns her with the bonnet of purity, providing her with the unique opportunity to contribute comfortably to society.

What Grace and Mercy the Beneficent showers upon the woman! For every joy experienced and every effort made, willingly and lovingly on the Path of Allah's Pleasure, the woman, just as the man, receives the same good-tidings of the happiness and delights, that are ever-flowing from Allah.

"Whoever works righteousness, man or woman, and has faith, verily to him We will give a new life, a life that is good and pure and We will bestow on such, reward according to the best of their actions." (Qur'an 16:97)